

REMARKS

The application has been reviewed in light of the Office Action mailed on October 27, 2005. By this Amendment, Claims 1, 3, 15, 22, 29, 31, 35 and 36 have been amended. It is respectfully submitted that the claims pending in the application, namely, Claims 1-36, are fully supported by the specification, introduce no new subject matter, and are patentably distinct over the prior art. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Objection to Claim 22

Claim 22 was objected to because of an informality. In particular, the Examiner indicated that "the limitation 'the housing' in line 2 appears to be --a housing-- in order to precisely recite the claimed invention." The limitation "the housing" in Claim 22 has been amended to recite "a housing," as suggested by the Examiner. Withdrawal of this objection is respectfully requested.

Rejection of Claims 22-25, 27, 28 and 30 under 35 U.S.C. § 102

Claims 22-25, 27, 28 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2005/0011957 to Attia, et al. (hereinafter "Attia"). According to the Office Action, Attia discloses all the features recited in independent Claim 22.

It is respectfully submitted that the recitations of amended independent Claim 22 are distinguishable from Attia.

Attia is directed to a system and method for decoding and analyzing barcodes using a mobile device which includes a mobile device 105 with internal circuitry and Scan Zoom software for decoding a barcode 103. See Paragraph [0060].

With respect to independent Claim 22, Attia fails to disclose or suggest the recited “the illuminated display being configured to provide an extended-beam light for illuminating an optical code with an illuminating light,” as required by independent Claim 22. In contrast, the system and method for decoding and analyzing in the Attia disclosure uses ambient light for illumination. See for example Paragraph [0070] where Attia explicitly recites “API 301 causes a ‘viewfinder’ window to open on mobile device 105’s display in step 353. This allows the user to make sure that barcode 103 is in proper focus and amply illuminated.” See also Paragraph [0073].

Accordingly, independent Claim 22 is believed to be unanticipated by and allowable over Attia. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the claims is earnestly solicited. Claims 23-25, 27, 28 and 30, depend directly from independent Claim 22 and are therefore patentable for at least the reasons given above for independent claim 22.

Rejection of Claims 1, 6-9, 12, 14, 15, 17, 21, 26, 31, 35 and 36 under 35 U.S.C. § 103

Claims 1, 6-9, 12, 14, 15, 17, 21, 26, 31, 35 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Attia in view of U.S. Patent No. 6,819,386 to Roosendaal, et al. (hereinafter “Roosendaal”).

Claims 1, 6-9, 12, 14, 15, 17 and 21

With respect to Claim 1 and 15, it is respectfully submitted that Attia does not disclose “an extended light source emitting an extended-beam light... the extended light source including one of a backlight assembly and a frontlight assembly”, as recited by Claim 1 and as conceded by the Examiner in the Office Action. In addition, Attia does not disclose or suggest “sensing the illuminating light reflected by the optical code” recited in Claims 1 and 15. It is respectfully submitted that Roosendaal does not cure the deficiencies of Attia.

Roosendaal describes an apparatus having a flat display. The apparatus includes a light modulating device 10 having a nematic liquid crystal material 12 positioned between two substrates 13 and 14 having electrodes 15, 16, 17 and 18. During use the display is viewed by a viewer from the direction 7, which is diagrammatically indicated by the eye 20. See Column 2, lines 22-46.

It is respectfully submitted that Roosendaal does not disclose or suggest the recited “directly illuminating” the “optical code with an illuminating light” or the recited “sensing the illuminating light reflected by the optical code,” recited in Claims 1 and 15. In contrast, Roosendaal discloses “a number of LEDs 35a, 35b whose emitted light is alternately emitted in the direction 7 and in the direction 8.” Column 3, lines 28-29. Thus it is Applicants’ position that Roosendaal merely provides illumination for illuminating the display, not illuminating an optical code in front of the display. It does not provide illumination for illuminating the optical code, as recited by Applicant’s claims.

Accordingly, independent Claims 1 and 15 are believed to be patentably distinct over Attia, Roosendaal or the combination thereof. Therefore, reconsideration and withdrawal of

the rejection with respect to these claims is respectfully requested and allowance of these claims is earnestly solicited. Dependent Claims 6-9, 12, 14, 17 and 21, depend directly or indirectly from independent Claims 1 and 15 respectively, and are therefore patentable for at least the reasons given above for independent Claims 1 and 15.

Claims 31, 35 and 36

With regards to independent Claims 31, 35 and 36, it is respectfully submitted that the subject matter recited by these independent claims is patentable over Attia, Roosendaal, and the combination thereof. The teachings of Attia and Roosendaal were discussed in detail hereinabove with respect to Claims 1 and 15.

It is further respectfully submitted that neither Attia nor Roosendaal disclose or suggest "providing for receiving an optical code read activation signal," or the recited "providing for clearing displayed data on a display screen in response to the activation signal," as recited by independent Claims 31, 35 and 36. Accordingly, independent Claims 31, 35 and 36 are believed to be patentably distinct over Attia, Roosendaal or the combination thereof. Therefore, reconsideration and withdrawal of the rejection with respect to Claims 31, 35 and 36 is respectfully requested and allowance of these claims is earnestly solicited

Claim 26

With respect to Claim 26, it is respectfully submitted that Claim 26 depends directly from independent Claim 22. Therefore, for at least the reasons given above for independent Claim 22, it is respectfully submitted that dependent Claim 26 is also believed to be

allowable over the cited references. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of this claim is earnestly solicited.

Allowable Subject Matter

The Applicants note with appreciation the Examiner's indication that dependent Claims 2-5, 10, 11, 13, 16, 18-20, 29, and 32-34 would be allowable if rewritten in independent form including all of the limitations of the base claim and any other intervening claims.


Applicants respectfully submit that dependent Claims 2-5, 10, 11, 13, 16, 18-20, 29, and 32-34 depend directly or indirectly from independent Claims 1, 15, 22 and 31, respectively. As discussed hereinabove, independent Claims 1, 15, 22 and 31 are believed to be allowable. Therefore, for at least the reasons given above with respect to these independent claims, dependent Claims 2-5, 10, 11, 13, 16, 18-20, 29, and 32-34 are also believed to be allowable over the cited reference. Therefore, Applicants respectfully request that the objection to these claims be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-36, are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters,

he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,



George Likourezos
Reg. No. 40,067
Attorney for Applicants

CARTER DeLUCA FARRELL & SCHMIDT, LLP
445 Broad Hollow Road
Suite 225
Melville, N.Y. 11747
Phone: (631) 501-5706
Fax: (631) 501-3526

GL/af